

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

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GARY D. McFARLAND
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Cirilo Acosta, et al.,

Plaintiffs,

v.

Excel Corporation,

Defendant.

Case No. 8: 99 CV 28

**JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT AND
ORDER OF DISMISSAL**

The parties, by their respective counsel, jointly petition this Court for entry of the attached Stipulated Judgment and Order of Dismissal ("Judgment"). In support thereof, the parties submit the following:

1. In August, 2000, the parties reached a global settlement agreement in the above and related actions against Defendant Excel Corporation under the Fair Labor Standards Act ("FLSA") that were pending in this and other jurisdictions.

2. On September 15, 2000, the Court entered an Order Approving Settlement Agreement in this action, pursuant to which it approved the terms and conditions of the parties' settlement and ordered that, pending the posting, distribution and mailing of settlement notices, computation of settlement share forms, and the distribution of settlement proceeds to eligible participants, the Court would retain jurisdiction to adjudicate any disputes that might arise over the application or interpretation of the settlement agreement. The Court further ordered that, following issuance of settlement checks to all eligible settlement participants, the parties were to jointly move the Court

for entry of a Stipulated Judgment and Order of Dismissal, dismissing this action in its entirety with prejudice.

3. Excel hereby certifies that it has fully satisfied its obligation to distribute settlement checks to eligible settlement participants in the manner set forth in the settlement agreement.

Accordingly, the parties hereby jointly move for entry of a Stipulated Judgment and Order of Dismissal, dismissing this action with prejudice in its entirety, and without costs to either party.

Respectfully submitted this 23 day of June, 2003.

MECKLER BULGER & TILSON

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